IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P. No.10113 of 2007
Date of decision: November 13 ,2007

Gursharan Singh V. State of Punjab and another

CORAM: HON'BLE MR.JUSTICE J.S.KHEHAR
HON'BLE MR.JUSTICE SHAM SUNDER

Present: Shri T.S.Dhindsa, Advocate, for the petitioner.
Shri Gurminder Singh, Addl.A.G.Punjab for the respondents.

J.S.Khehar,J.(Oral)

The petitioner approached this court by filing the instant writ petition inter alia with the claim that his name should be placed at serial No.259-A of the seniority list of Junior Engineers (Mechanical). In view of the aforestated asserted position, it was also the claim of the petitioner that in case names of the persons placed at a serial number below the one claimed by him (in the seniority list) are considered for promotion, the claim of the petitioner should also be considered .In furtherance of the claim made by the learned counsel for the petitioner, a direction was issued by this court on 10.7.2007, requiring the respondents to consider the claim of the petitioner for promotion, in case persons below serial No.259-A were considered.

In furtherance of the aforesaid direction issued by this court, learned counsel for the petitioner states that the claim of the petitioner was duly considered for promotion to the post of Assistant Engineer by the Departmental Promotion Committee in its meeting held on 11.7.2007. This factual position is acknowledged by the learned counsel for the respondents.

It is also the contention of the learned counsel for the

petitioner that the respondents have accepted the claim of the petitioner for a rightful place in the seniority list, through an order dated 13.8.2007, whereby the objections raised by the petitioner have been accepted, and the petitioner has been placed at serial number 259-A in the final seniority list of Junior Engineers (Mechanical). This factual position is also acknowledged by the learned counsel for the respondents.

In view of the above, learned counsel for the petitioner states that a direction should now be issued to the respondents in terms of the orders passed by this court on 10.7.2007 to give effect to the determination of the Departmental Promotion Committee in so far as the claim of the petitioner for promotion to the post of Assistant Engineer is concerned.

We find merit in the contention of the learned counsel for the petitioner. Since the claim of the petitioner to place him at serial No.259-A in the seniority list of Junior Engineers (Mechanical) has been accepted, it is apparent that his claim for onward promotion to the post of Assistant Engineer is also liable to be given effect to as persons junior to the petitioner were admittedly considered by the Departmental Promotion Committee in its meeting held on 11.7.2007.

Accordingly, while allowing the instant writ petition, we direct the respondents to give effect to the claim of the petitioner as was determined by the Departmental Promotion Committee in its meeting held on 11.7.2007.

(J.S. Khehar)
Judge

November 13,2007
sks

(Sham Sunder)
Judge